

TWENTY-FIRST DAY

(Thursday, February 15, 1951)

The Senate met at 10:30 o'clock a m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent—Excused

Nokes

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Leave of Absence

Senator Nokes was granted leave of absence for today on account of important business on motion of Senator McDonald.

Reports of Standing Committees

Senator Bracewell submitted the following reports:

Austin, Texas,
February 15, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 14, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be mimeographed and not otherwise printed.

BRACEWELL, Chairman.

Austin, Texas,
February 15, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 39, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

BRACEWELL, Chairman.

Austin, Texas,
February 15, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 178, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

BRACEWELL, Chairman.

Austin, Texas,
February 15, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 179, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

BRACEWELL, Chairman.

Senator Strauss submitted the following report:

Austin, Texas,
February 14, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 30, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRAUSS, Chairman.

Senator Phillips submitted the following reports:

Austin, Texas,
February 14, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State

Affairs, to whom was referred H. C. R. No. 15, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

PHILLIPS, Chairman.

Austin, Texas,
February 14, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. J. R. No. 9, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

PHILLIPS, Chairman.

Austin, Texas,
February 14, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 97, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman.

Austin, Texas,
February 14, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 124, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

PHILLIPS, Chairman.

Austin, Texas,
February 14, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 134, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman.

Austin, Texas,
February 14, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 195, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman.

Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read severally first time and referred to the committees indicated:

By Senator Kelley of Hidalgo:

S. B. No. 216, A bill to be entitled "An Act amending Section 17 of S. B. 422, Chapter 362, Acts of the Regular Session of the 51st Legislature, 1949, known as Article 1970-339, Vernon's Civil Statutes; providing for the salary of the Judge of the County Court At Law of Nueces County and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Kelley of Hidalgo:

S. B. No. 217, A bill to be entitled "An Act amending Section 3 of Chapter 88, General Laws, Second Called Session, Forty-first Legislature, as amended by Section 1 of Chapter 3, General Laws, Second Called Session of the Forty-third Legislature, as amended by Section 1 of Chapter 51 of the General Laws, Regular Session, Forty-fourth Legislature, so as to exempt motor vehicles, trailers, and semitrailers, owned and used exclusively in the service of the United States Government, the State of Texas or any political subdivision of the State of Texas, or a county or any political subdivision thereof from the payment of license or registration fees to the State of Texas; repealing all laws in conflict; and declaring an emergency."

To Committee on State Affairs.

By Senator Hudson:

S. B. No. 218, A bill to be entitled "An Act to amend Sections 5, 6, 7, and 10 of Senate Bill No. 46, Chapter 41, page 116, Acts of the Fortieth Legislature, First Called Session, as

amended by Acts 1929, Forty-first Legislature, First Called Session, page 7, Chapter 4, Section 5; Acts 1933, Forty-third Legislature, page 57, Chapter 28, so as to provide for a standard burial-transit permit; regulations of the State Department of Health regulating the disposal, transportation, interment, and disinterment of dead bodies to such extent as may be reasonable and necessary for the protection of the public health and safety; a standard certificate of stillbirth; the registration of stillbirths; form and content of the standard certificates of death and stillbirth and the standard burial-transit permit; and repealing Rules 77-86, inclusive, of Article 4477 of Title 71 of the Revised Civil Statutes of the State of Texas as amended by Acts 1941, Forty-seventh Legislature, page 225, Chapter 155, Section 1; and declaring an emergency."

To Committee on Public Health.

By Senator Hudson:

S. B. No. 219, A bill to be entitled "An Act to amend Sections 1, 3, 20 and 21 of Senate Bill No. 46, Chapter 41, page 116, Acts of the Fortieth Legislature, First Called Session, as amended by Acts 1929, Forty-first Legislature, First Called Session, page 7, Chapter 4, Sections 1 and 4; Acts 1939, Forty-sixth Legislature, page 343, Section 2; Acts 1941, Forty-seventh Legislature, page 782, Chapter 486, Sections 1 and 2; Acts 1949, Fifty-first Legislature, page 777, Chapter 417, Section 1, so as to provide that the State Department of Health shall make and may amend regulations for collecting, recording, transcribing, compiling and preserving vital statistics and shall be authorized to suspend any part or parts of the Vital Statistics Law in time of disaster and substitute emergency regulations therefor; repealing provisions requiring duplicate recording of births, deaths, and stillbirths at the local level; and authorizing the Bureau of Vital Statistics of the State Department of Health to enter into a contract with the national agency in charge of collecting vital statistics so as to furnish that agency, without expense to the State, transcripts of vital records; and declaring an emergency."

To Committee on Public Health.

By Senator Hudson:

S. B. No. 220, A bill to be entitled "An Act to amend Sections 14 and 18

of Senate Bill No. 46, Chapter 41, page 116, Acts of the Fortieth Legislature, First Called Session, as amended by Acts 1929, Forty-first Legislature, First Called Session, Page 7, Chapter 4, Section 3; Acts 1935, Forty-fourth Legislature, page 441, Chapter 179, Section 1; Acts 1937, Forty-fifth Legislature, page 1289, Chapter 480, Section 1; Acts 1939, Forty-sixth Legislature, page 346, Sections 1 and 2; Acts 1941, Forty-seventh Legislature, page 850, Chapter 525, Section 1; Acts 1941, Forty-seventh Legislature, page 933, Chapter 564, Section 1; Acts 1943, Forty-eighth Legislature, page 112, Chapter 83, Section 1; Acts 1943, Forty-eighth Legislature, page 289, Chapter 184, Section 1; Acts 1945, Forty-ninth Legislature, page 618, Chapter 354, Section 1; so as to provide for a standard certificate of birth; the filing of a supplementary birth certificate based on legitimation, paternity determination, and adoption; requirements for delayed registration of births and deaths; a penalty for the making of a false affidavit in support of a delayed registration of a birth or death; repealing provision requiring that itemized lists of certified copies issued by the county clerks be forwarded monthly to the State Bureau of Vital Statistics; repealing provision as to content of birth certificates; and declaring an emergency."

To Committee on Public Health.

By Senator Moore:

S. B. No. 221, A bill to be entitled "An Act amending Section 7 of Chapter 81 of the Acts of the Regular Session of the 51st Legislature, known as Article 4764c, and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 222, A bill to be entitled "An Act amending Section 23 of Senate Bill No. 135, Chapter 6, page 401, Acts of the Regular Session, Forty-sixth Legislature, being now what is commonly known as Section 23, Article 5068-1, Vernon's Texas Civil Statutes; providing that the value of benefits which may be furnished by Burial Associations be increased from One Hundred and Fifty (\$150.00) Dollars to Three Hundred (\$300.00) Dollars; and declaring an emergency."

To Committee on Insurance.

By Senator Bracewell:

S. B. No. 223, A bill to be entitled "An Act fixing the term of office of School Trustees of Independent School Districts, whether created under General Law or by Special Act of the Legislature, having one hundred thousand (100,000) or more scholastics according to the last official scholastic census and wherein there may be situated a City having a population of five hundred seventy-five thousand (575,000) or more according to the 1950 Federal Census, and having a board of seven (7) trustees; providing that in all such School Districts, Trustees shall be voted upon and elected separately for positions on said Board of Trustees, and prescribing the date of termination of office for the said members already elected for these said positions on any such Board of Trustees in any such School District; providing the manner and method of electing Trustees thereafter in any such District, for the date of assuming office, and for the official ballot for use in such Trustee elections, and the time within which and the manner in which a person desiring to become a candidate for election shall give notice of his or her candidacy as the case may be, and the time and manner for certifying a party nominee; providing further that no candidate in any such election shall be eligible to have his or her name placed on the official ballot for more than one position to be filled at any such election; and further providing that at any such election each voter shall vote for only one candidate for each such position and that the candidate receiving the highest number of votes for each such respective position voted upon at any such election shall be entitled to serve as Trustee on said Board, holding the position thereon to which he or she, as the case may be, shall have been elected; providing further for the organizing of the said Board of Trustees at the first January meeting after the November election; providing further for the filling of vacancy on the Board of Trustees of the said School Districts; providing for the manner and method of giving notice of both regular and special elections for Trustees in all Independent School Districts within the terms of this Act; and further providing for the manner of conducting both regular and special elections for Trustees in all Independent School Districts within this Act; further pro-

viding that all laws and parts of laws, both General and Special, insofar only as they may be in conflict herewith, are hereby repealed.

To Committee on Educational Affairs.

By Senators Fuller and Vick:

S. J. R. No. 12, Proposing an amendment to the Constitution of the State of Texas to provide a four-year term of office for elective State, district, county and precinct offices and for members of the House of Representatives and to provide a six-year term of office for members of the State Senate; staggering the terms of such offices by having certain holders of such offices be elected for terms of varying length in the November, 1951, special election; and providing for the necessary proclamation and election; and providing necessary appropriation for holding an election.

To Committee on Constitutional Amendments.

By Senator Shofner:

S. J. R. No. 13, Proposing an amendment to Section 33 of Article III of the Constitution of the State of Texas by providing therein that bills for raising revenue may originate in the House of Representatives or in the Senate; providing for the Governor's proclamation and submission to the electorate.

To Committee on Constitutional Amendments.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
February 15, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 80, A bill to be entitled "An Act to amend Article 709 of the Penal Code of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 81, A bill to be entitled "An Act to amend Article 4473 of the Revised Civil Statutes of Texas, 1925, as amended; declaring an emergency."

H. B. No. 97, A bill to be entitled "An Act amending Section 15 of House Bill 611, Chapter 562, page 914, General Laws of the State of

Texas, Acts, Regular Session, 47th Legislature, 1941, as amended, being Section 15 of Article 695c, Vernon's Texas Civil Statutes; providing for examinations by licensed optometrists as well as ophthalmologists or physicians skilled in the treatment of diseases of the eye for the purpose of establishing blindness for applicants and/or recipients of Aid to the Needy Blind; providing a repealing clause, a saving clause, and declaring an emergency."

H. B. No. 98, A bill to be entitled "An Act authorizing the governing boards of State-supported institutions of higher learning to procure insurance on any or all structures and buildings and the contents thereof under their management and control against all or any of the risks of fire, lightning, windstorms, hailstorms, tornadoes, cyclones, floods, and explosions; authorizing the use of local funds of such institutions and any other funds appropriated to such institutions for insurance premiums to pay premiums on insurance to cover such risks; and declaring an emergency."

H. B. No. 101, A bill to be entitled "An Act validating the creation, organization, and existence of all port districts and navigation districts operating public ports; ratifying taxes assessed and levied by or on behalf of such; providing such districts are governmental agencies and bodies politic and corporate, with powers and authorities specified; providing this Act shall be liberally construed; and declaring an emergency."

H. B. No. 108, A bill to be entitled "An Act to amend Article 1327 of the Revised Civil Statutes of Texas, 1925, so to authorize employment contracts by a corporation for such period of time as the directors may approve and authorize; and declaring an emergency."

H. B. No. 104, A bill to be entitled "An Act to amend Sections 8 and 12 of Senate Bill 111, Chapter 61, page 100 of the General Laws passed by the Second Called Session of the 41st Legislature, and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 43

Senator Kelley of Hidalgo offered the following resolution:

Whereas, It has come to the attention of the Senate that the Honorable John E. Lyle, Jr., member of Congress from the 14th Congressional District of the State of Texas, is visiting the City of Austin, and is in the Capitol; and

Whereas, John E. Lyle, Jr., has served his State and his Country faithfully and well as a member of Congress from the 14th Congressional District throughout the duration of the 79th, 80th and 81st Congresses, and is now serving as a member of the 82nd Congress; and

Whereas, John E. Lyle, Jr., is a citizen of Corpus Christi, Texas, and is a former member of the Texas Legislature, having served as representative from the 71st District during the 47th and 48th Legislatures; and

Whereas, John E. Lyle, Jr., served his Country in the Armed Forces, with courage and distinction, during World War II; and

Whereas, The Senate earnestly desires to pay tribute to this fine and upstanding public figure; therefore, be it

Resolved, by the Senate of the State of Texas, that the privileges of the floor be granted to John E. Lyle, Jr., and that he be invited to address the Senate.

KELLEY of Hidalgo
BELL.

The resolution was read and was adopted.

Accordingly, the President pro tempore appointed the following committee to escort the Honorable John E. Lyle, Jr., to the Senate and to the President's rostrum: Senators Kelley of Hidalgo, Weinert and Bell.

The President pro tempore presented Senator Kelley of Hidalgo and Senator Kelley of Hidalgo introduced the Honorable John E. Lyle, Jr., member of Congress from the 14th Congressional District, to the Senate. The Honorable John E. Lyle, Jr., then addressed the Senate and thanked the members for the honor bestowed upon him.

Bills Signed

The President pro tempore signed

in the presence of the Senate, after the captions had been read, the following enrolled bills:

S. B. No. 64, A bill to be entitled "An Act relating to the County Court of Jefferson County at Law; amending Acts 1949, 51st Legislature, Chapter 7, page 7, Section 3, same being Article 1970-122, Vernon's Annotated Revised Civil Statutes of Texas, 1925, with reference to the salary of the Judge of said Court; providing a saving clause; and declaring an emergency."

H. B. No. 119, A bill to be entitled "An Act amending Subdivision 7 of Article 1302 of the Revised Civil Statutes of Texas, 1925, so as to provide that private corporations may be created for the encouragement of agriculture and horticulture by associations for the maintenance of public fairs and exhibitions of stock, farm products and implements, equipment of practices used in agriculture or horticulture; and declaring an emergency."

House Bills on First Reading

The following bills, received from the House today, were read severally first time and referred to the committees indicated:

H. B. No. 80—To Committee on Public Health.

H. B. No. 81—To Committee on Public Health.

H. B. No. 97—To Committee on Public Health.

H. B. No. 98—To Committee on State Highway and Motor Traffic.

H. B. No. 101—To Committee on State Affairs.

H. B. No. 104—To Committee on Banking.

H. B. No. 108—To Committee on Civil Jurisprudence.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
February 15, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 17, A bill to be entitled "An Act to reorganize the 32nd Judicial District of Texas to be constituted of Nolan and Mitchell Counties and to provide for the terms thereof; and to create the 132nd Judicial District of Texas to be composed of Scurry and Borden Counties and to provide for the terms thereof; and to provide that the judge of the 32nd Judicial District shall continue to serve in said district and the period thereof; and to provide that the district attorney of the 32nd Judicial District shall continue to serve in said district and the period thereof; providing that the Governor shall appoint a suitable and qualified person as district judge of the 132nd Judicial District who shall hold office until the next general election and until his successor shall be duly elected and qualified; providing that the Governor shall appoint a suitable person to serve as district attorney of the 132nd Judicial District until the next general election and until his successor has been duly elected and qualified; providing that the district judge of the 132nd Judicial District shall immediately appoint a court reporter for the 132nd Judicial District composed of Scurry and Borden Counties; providing that all processes and writs issued or served and recognizances, bonds and undertakings before this Act takes effect and made returnable to the 32nd Judicial District in the Counties of Scurry and Borden, shall be considered as returnable to the next succeeding term of the 132nd Judicial District Court and legalize the same; and providing that all grand and petit juries drawn and selected under existing laws in Nolan, Mitchell, Scurry and Borden Counties shall be considered as lawfully drawn and selected for the next ensuing term of the District Court in their respective Counties; and providing that if any court be in session in any of said Counties at the time this Act takes effect they shall continue in session until the term thereof has expired under the provisions of the existing law, but thereafter shall conform to the requirements of this act; and provide for the jurisdiction of each of said District Courts; providing for a saving clause; repealing all laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

S. B. No. 42, A bill to be entitled "An Act amending Paragraph 1 of Article 1716, Chapter 12, Title 19, of

the Penal Code of the State of Texas, 1925, relating to commercial fertilizer; defining certain terms; and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act to make it the duty of and to direct the State Highway Department to erect and maintain signs showing the maximum lawful speed for commercial motor vehicles, truck tractors, trailers, and semi-trailers (trucks); and motor vehicles engaged in the business of transporting passengers for compensation or hire (buses); providing where such signs shall be erected and maintained; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

House Bill 5 on Second Reading

Senator Kelly of Tarrant moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 5 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Parkhouse
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Vick
Hudson	Wagonseller
Kelly of Tarrant	Weinert

Nays—1

Phillips

Absent

Kelley of Hidalgo

Absent—Excused

Nokes

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 5, A bill to be entitled "An Act making it unlawful, except under the provisions of this Act, for

any person to take menhaden fish from the tidal salt waters of this State for the purpose of barter, sale or exchange; prescribing the legislative policy with respect to menhaden fishing; providing for the licensing of menhaden fishermen and vessels engaged in taking menhaden; providing an open season on menhaden fish and regulating the use of seines and nets used in taking menhaden fish; prohibiting the sale, barter or exchange of edible aquatic products taken in such nets; providing a penalty; repealing all laws in conflict herewith; providing a saving clause; and declaring an emergency."

The bill was read second time.

Senator Kelly of Tarrant offered the following committee amendment to the bill:

Amend H. B. No. 5 by striking out Section 5 and inserting in lieu thereof the following:

"Section 5. Menhaden fish may be taken from the waters of the Gulf of Mexico within the gulfward boundary lines of Jefferson, Jackson, Calhoun, Refugio, Aransas and San Patricio Counties from the coast line of the Gulf of Mexico to the continental shelf compiled, platted, fixed and located by the Commissioner of the General Land Office pursuant to Senate Bill 338, Chapter 287, Acts of the Fiftieth Legislature, 1947, and filed and recorded in the office of the County Clerk of Jefferson, Jackson, Calhoun, Refugio, Aransas or San Patricio Counties, between April 1 and December 1 of each year through the use of nets and purse seines which, not including the bag, shall be not less than one and one-half inch (1½") stretched mesh; provided, however that no such nets and purse seines may be used in any bay, river, pass or tributary thereto, nor within one (1) mile of any barrier, jetty, island, or pass, nor within one-half (½) mile offshore in the Gulf of Mexico; provided, further, that no such net shall be used in the taking of menhaden fish until it shall have been examined and tagged in accordance with the provisions of Article 946 of the Penal Code of Texas."

The committee amendment was adopted.

Senator Kelly of Tarrant offered the following committee amendment to the bill:

Amend H. B. No. 5 by adding a new section thereto to be known as Section 6a to read as follows:

"Sec. 6a. (a) Any person, firm, corporation or association of persons desiring to operate a menhaden fish plant in this State shall first obtain a permit from the Game, Fish and Oyster Commission. Applicants for permits shall furnish the Commission a certified copy of an order of the Commissioners' Court of the County in which the plant is proposed to be located which order shall describe the plant and the location thereof and indicate the approval of the court for the construction and operation of same; provided, that the decision of the Commissioners' Court in approving or disapproving the construction of a plant shall be final and shall not be reviewable in any court by any party dissatisfied with the action of the court. Applications for permits shall be upon forms prescribed by the Commission and the Commission is authorized to require such information in support of applications as it may deem necessary. Applications shall be accompanied by a filing fee of Twenty-five Dollars (\$25) and all such fees shall be retained by the Commission to pay the cost of the administration of this section.

"(b) The Commission shall set for hearing all applications within a reasonable time after the filing thereof and shall give notice of hearing on each application at least twenty (20) days prior to the date of hearing to the county judge of the county in which the plant is proposed to be located and to all known interested parties. If the Commission shall determine, pursuant to notice and hearing, that the granting of the permit and the operation of the proposed plant is in the public interest, the Commission shall issue a permit to the applicant. All permits issued by the Commission shall be renewed annually and the renewal fee shall be Twenty-five (\$25) Dollars.

"(c) Any menhaden fish plant in existence and bona fide operation within this State on the 31st day of August, 1950, may apply to the Commission for a permit and shall not be required to furnish a certified copy of an order of the Commissioners' Court approving the construction and operation of the plant.

"(d) For the purposes of this act a 'menhaden fish plant' means a fixed installation upon land designed,

equipped and used to process fish and the by-products thereof by the application of pressure, heat and chemicals or a combination thereof to raw fish whereby the same are converted into fish oil, fish solubles, fish scraps or other products."

The committee amendment was adopted.

On motion of Senator Kelly of Tarrant and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill, as amended, was passed to third reading by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Parkhouse
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Wagon seller
Hudson	Vick
Kelly of Tarrant	Weinert

Nays—1

Phillips

Absent

Kelley of Hidalgo

Absent—Excused

Nokes

House Bill 5 on Third Reading

Senator Kelly of Tarrant moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Fuller
Ashley	Hardeman
Bell	Hazlewood
Bracewell	Hudson
Bullock	Kelly of Tarrant
Carney	Lane
Carter	Lock
Colson	Martin
Corbin	McDonald

Moffett	Strauss
Moore	Tynan
Parkhouse	Wagonseller
Russell	Vick
Shofner	Weinert

Nays—1

Phillips

Absent

Kelley of Hidalgo

Absent—Excused

Nokes

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Parkhouse
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Wagonseller
Hudson	Vick
Kelley of Tarrant	Weinert

Nays—1

Phillips

Absent

Kelley of Hidalgo

Absent—Excused

Nokes

House Concurrent Resolution 12 on Second Reading

Senator Ashley moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. C. R. No. 12 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Bullock
Ashley	Carney
Bell	Carter
Bracewell	Colson

Corbin	Moffett
Fuller	Moore
Hardeman	Parkhouse
Hazlewood	Phillips
Hudson	Russell
Kelley of Hidalgo	Shofner
Kelley of Tarrant	Strauss
Lane	Tynan
Lock	Wagonseller
Matrin	Vick
McDonald	Weinert

Absent—Excused

Nokes

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. C. R. No. 12, Granting permission to sue the State of Texas, by allowing Holland Page or Raymond H. Witte to implead the State.

The resolution was read second time and was passed to third reading.

House Concurrent Resolution 12 on Third Reading

Senator Ashley moved that the constitutional rule requiring resolutions to be read on three several days be suspended and that H. C. R. No. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelley of Tarrant	Weinert

Absent—Excused

Nokes

The President pro tempore then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent—Excused

Nokes

House Bill 118 on Second Reading

Senator Tynan moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 118 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent—Excused

Nokes

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 118, A bill to be entitled "An Act amending Section 1 of House Bill 333, Chapter 391, Acts of the Fiftieth Legislature, Regular Session, 1947, defining certain terms, providing that this Act shall be cumulative; and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following amendment to the bill:

Amend H. B. No. 118 by adding a new section thereto to be known as Section 2 to read as follows:

Sec. 2. That Section 13 of House Bill 333, Chapter 391, Acts of the Fiftieth Legislature, Regular Session, 1947, be and the same is hereby amended so as hereafter to read as follows:

"Sec. 13. In any case in which: (1) it is desired to remove, lower, or otherwise terminate a non-conforming structure or use; or (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this act; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or non-conforming use is located or the political subdivision owning the airport or served by it may acquire from any person or political subdivision of this State by purchase, grant, or condemnation in the manner provided by Title 52 of the Revised Civil Statutes of Texas, 1925, Articles 3264 to 3271, inclusive, and acts amendatory thereof or supplementary thereto, such air right, aviation easement, or other estate or interest in the property or non-conforming structure or use in question as may be necessary to effectuate the purpose of this act."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend H. B. No. 118 by striking out the numeral "2" on line 50 and inserting in lieu thereof the numeral "3" and by striking out the numeral "3" on line 53 and inserting in lieu thereof the numeral "4."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend H. B. No. 118 by striking out all above the enacting clause and inserting in lieu thereof the following:

"A BILL

To be entitled

"An Act amending Section 1 and Section 13 of H. B. No. 333, Chapter 391, Acts of the Fiftieth Legislature, Regular Session, 1947; defining certain terms and providing for the acqui-

tion of certain rights or other estate or interest in property from any person or political subdivision of this State; providing that this act shall be cumulative; and declaring an emergency."

The amendment was adopted.

The bill, as amended, was passed to third reading.

House Bill 118 on Third Reading

Senator Tynan moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 118 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Parkhouse
Carter	Phillips
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Vick
Hudson	Wagonseller
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—1

Moore

Absent—Excused

Nokes

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Hazlewood
Ashley	Hudson
Bell	Kelley of Hidalgo
Bracewell	Kelly of Tarrant
Bullock	Lane
Carney	Lock
Carter	Martin
Colson	McDonald
Corbin	Moffett
Fuller	Parkhouse
Hardeman	Phillips

Russell
Shofner
Strauss
Tynan

Vick
Wagonseller
Weinert

Nays—1

Moore

Absent—Excused

Nokes

House Joint Resolution 2 on Second Reading

Senator Bell moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. J. R. No. 2 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carter	Moore
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller

Nays—1

Weinert

Absent

Carney

Absent—Excused

Nokes

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 2, Amending Article III, Section 49-b of the Constitution of the State of Texas, authorizing the issuance of One Hundred Million Dollars of bonds by the Veterans' Land Board to provide money for the Veterans' Land Fund; providing for an election and the issuance of a proclamation therefor.

The resolution was read second time.

Senator Weinert offered the following amendment to the resolution:

Amend H. J. R. No. 2 by substituting the words and figures Fifty Million (\$50,000,000.00) Dollars for the words and figures One Hundred Million (\$100,000,000.00) Dollars where the same appear in such resolution.

Senator Bell moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—16

Aikin	Moffett
Bell	Moore
Bullock	Parkhouse
Carter	Phillips
Corbin	Russell
Fuller	Strauss
Hazlewood	Vick
Kelley of Hidalgo	Wagonseller

Nays—13

Ashley	Lock
Bracewell	Martin
Colson	McDonald
Hardeman	Shofner
Hudson	Tynan
Kelly of Tarrant	Weinert
Lane	

Absent

Carney

Absent—Excused

Nokes

Senator Wagonseller offered the following amendment to the resolution:

Amend H. J. R. No. 2, Section 1, page 1, line 55, by inserting between "World War II" and "in such quantities" the following words, "and to Texas veterans who served or serves overseas in the Korean War in the Pacific Theatre."

(President in Chair.)

The amendment was adopted.

Senator Moffett asked to be recorded as voting "yea" on the adoption of the amendment.

Senator Weinert offered the following amendment to the resolution:

Amend H. J. R. No. 2 by substituting the words and figures Seventy-five Million (\$75,000,000.00) Dollars

for the words and figures One Hundred Million (\$100,000,000.00) Dollars where the same appear in such resolution.

On motion of Senator Bell the amendment was tabled by the following vote:

Yeas—16

Aikin	Moore
Bell	Parkhouse
Carter	Phillips
Colson	Russell
Corbin	Strauss
Fuller	Tynan
Kelley of Hidalgo	Vick
Moffett	Wagonseller

Nays—13

Ashley	Lane
Bracewell	Lock
Bullock	Martin
Hardeman	McDonald
Hazlewood	Shofner
Hudson	Weinert
Kelly of Tarrant	

Absent

Carney

Absent—Excused

Nokes

Senator Lane moved that the Senate stand adjourned until 10:30 o'clock a. m. on Monday, February 19, 1951.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—12

Ashley	Lane
Bracewell	Lock
Hardeman	Martin
Hazlewood	McDonald
Hudson	Shofner
Kelly of Tarrant	Weinert

Nays—17

Aikin	Moore
Bell	Parkhouse
Bullock	Phillips
Carter	Russell
Colson	Strauss
Corbin	Tynan
Fuller	Vick
Kelley of Hidalgo	Wagonseller
Moffett	

Absent

Carney

Absent—Excused

Nokes

On motion of Senator Bell, and by unanimous consent, the caption was amended to conform to the body of the resolution, as amended.

The resolution, as amended, was passed to third reading.

House Joint Resolution 2 on Third Reading

Senator Bell moved that the constitutional rule requiring resolutions to be read on three several days be suspended and that H. J. R. No. 2 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carter	Moore
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller

Absent

Carney Weinert

Absent—Excused

Nokes

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—28

Aikin	Hudson
Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lane
Bullock	Lock
Carter	Martin
Colson	McDonald
Corbin	Moffett
Fuller	Moore
Hardeman	Parkhouse
Hazlewood	Phillips

Russell
Shofner
StraussTynan
Vick
Wagonseller

Absent

Carney

Weinert

Absent—Excused

Nokes

Bills Signed

The President signed in the presence of the Senate, after the caption had been read, the following enrolled bills:

S. B. No. 17, A bill to be entitled "An Act to reorganize the 32nd Judicial District of Texas to be constituted of Nolan and Mitchell Counties and to provide for the terms thereof; and to create the 132nd Judicial District of Texas to be composed of Scurry and Borden Counties and to provide for the terms thereof, etc.; and declaring an emergency."

S. B. No. 42, A bill to be entitled "An Act amending Paragraph 1 of Article 1716, Chapter 12, Title 19, of the Penal Code of the State of Texas, 1925, relating to commercial fertilizer; defining certain terms; and declaring an emergency."

House Bill on First Reading

The following bill, received from the House today, was read first time and referred to the committee indicated:

H. B. No. 105—To Committee on State Highways and Motor Traffic.

Adjournment

On motion of Senator Hardeman, the Senate at 12:45 o'clock p. m. adjourned until 10:30 o'clock a. m. on Monday, February 19, 1951.

Record of Votes

Senators Corbin and Phillips asked to be recorded as voting "nay" on the motion to adjourn.

TWENTY-SECOND DAY

(Monday, February 19, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by Senator Vick.

The roll was called and the following Senators were present: